

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

RANDY MURPHY,
Plaintiff,

No. C 04-03062 TEH

v.

NOTICE RE BATSON CHALLENGE

CITY OF OAKLAND,
Defendant.

Having considered the arguments of counsel, the Court is strongly inclined to sustain the Plaintiff's *Batson* challenge to jurors nos. 2 and 3 but will defer making a final ruling until the Court resumes tomorrow at 8:30 a.m. In the event the Court sustains the *Batson* challenge, it will grant a mistrial, excuse the jury, and commence a new jury selection on Thursday, November 17, 2005. Counsel for Plaintiff shall come prepared, however, to address whether Plaintiff would prefer to proceed with the trial as scheduled with the current jury.

IT IS SO ORDERED.

Dated: November 15, 2005



THELTON E. HENDERSON
UNITED STATES DISTRICT JUDGE

United States District Court
For the Northern District of California

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